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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

8 Benton Gene Baskin,
9 Plaintiff
10 -
11 vs-
12 Todd Thomas, et al.,
13 Defendants.

CV-21-1890-PHX-SPL (JFM)

Order

11 **NOTICE - WARNING TO PLAINTIFF** – Defendants Diaz and Giaboian have
12 filed a Motion to Dismiss or in the Alternative Transfer (Doc. 21), supported by a separate
13 Memorandum in Support (Doc. 22). That motion to dismiss seeks in part to have your
14 case dismissed. The motion will, if granted, end your case, or at least portions of your
15 case. Plaintiff is advised of the following specific provisions of Local Civil Rule 7.2,
16 Rules of Practice of the United States District Court for the District of Arizona:

17 (e) **Length of Motions and Memoranda.** Unless otherwise
18 permitted by the Court, a motion including its supporting
19 memorandum, and the response including its supporting
20 memorandum, each shall not exceed seventeen (17) pages, exclusive
21 of attachments and any required statement of facts. Unless otherwise
22 permitted by the Court, a reply including its supporting memorandum
23 shall not exceed eleven (11) pages, exclusive of attachments.
24 Attachments shall exclude materials extraneous to genuine issues of
25 material fact or law.
26 * * *

27 (i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If
28 a motion does not conform in all substantial respects with the
29 requirements of this Local Rule, or if the unrepresented party or
30 counsel does not serve and file the required answering memoranda,
31 or if the unrepresented party or counsel fails to appear at the time and
32 place assigned for oral argument, such non-compliance may be
33 deemed a consent to the denial or granting of the motion and the
34 Court may dispose of the motion summarily.

35 You must timely respond to all motions. The Court may, in its discretion, treat your
36 failure to respond to the Motion to Dismiss as a consent to the granting of that Motion

1 without further notice, and judgment may be entered dismissing this action without
2 prejudice pursuant to Rule 7.2(i) of the Local Rules of Civil Procedure. *See Brydges v.*
3 *Lewis*, 18 F.3d 651 (9th Cir. 1994) (*per curiam*).

4 Because the motion relies in part on a lack of personal jurisdiction, the expanded
5 deadlines for motions for summary judgment apply. *See LRCiv 12.1(b)*.

6 **IT IS THEREFORE ORDERED that:**

7 1. **Response** - Plaintiff has through **February 6, 2023** to respond to Defendant
8 Diaz and Giabopian's Motion to Dismiss or in the Alternative Transfer, filed January 3,
9 2023 (Doc. 21).

10 2. **Reply** - Defendants have fifteen days from service of the response to file a reply.

11 3. **Consideration of Motion** - The Motion to Dismiss will be deemed ready for
12 decision without oral argument on the day following the date set for filing a reply unless
13 otherwise ordered by the Court.

14 Dated: January 4, 2023

15 21-1890o Order 23 01 04 re Sched on MTD MTransfer.docx



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James F. Metcalf
United States Magistrate Judge